

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WENDELL JOSEPH MAGRUFF,

Petitioner,

vs.

ROBERT AYERS, Warden,

Respondent.

C 07-1721 MMC(PR)

ORDER OF TRANSFER

(Docket No. 4)


On March 27, 2007, petitioner, a California prisoner at San Quentin State Prison and proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He challenges a conviction obtained in the Superior Court of Solano County.

Pursuant to 28 U.S.C. § 2241(d), venue for a habeas action is proper in either the district of confinement or the district of conviction, although petitions challenging a conviction are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Solano County, where petitioner was convicted, is located within the venue of the Eastern District of California. See 28 U.S.C. § 84(d). Because venue is preferable in the Eastern District, this case is TRANSFERRED to the United States District Court for the Eastern District of California. See 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b). In light of the transfer, this Court will defer to the Eastern District with respect to petitioner's in forma pauperis application.

The Clerk shall close the file and terminate Docket No. 4 on this Court's docket.

IT IS SO ORDERED.

DATED: June 8, 2007


MAXINE M. CHESNEY
United States District Judge